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ATTORNEY DOCKET NO.
069078.0104 (ET004)

PATENT APPLICATION
09/844,170



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Paul Klocek, et al.
Serial No.: 09/844,170
Filing Date: April 25, 2001
Notice of Allowance Mailed: June 18, 2003
Confirmation No.: 1739
Group No.: 2874
Examiner: Hemang Sanghavi
Title: METHOD AND APPARATUS FOR
SWITCHING OPTICAL SIGNALS WITH
A PHOTON BAND GAP DEVICE

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that this correspondence, with enclosures, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Name: Judy Baggett
Date: 7/3/03

COMMENT ON STATEMENT OF REASONS FOR ALLOWANCE

Applicants acknowledges receipt of the Notice of Allowance mailed on June 18, 2003. The Notice of Allowance was accompanied by a Notice of Allowability (Form PTO-37), and the Notice of Allowability was accompanied by additional sheets, pages 2-3 of which set forth a statement by the Examiner of reasons why the claims are considered to recite allowable subject matter. Applicants agree that the claims recite allowable subject matter. However, Applicants

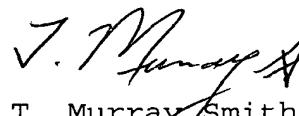
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respectfully submit that the stated reasons for allowance should not be interpreted to mean that there are no other reasons which separately and independently support the allowability of the independent claim, and/or the dependent claims. Moreover, Applicants do not agree with the statement of reasons for allowance to the extent that it attempts to paraphrase the subject matter recited in certain claims, using terminology and/or language which differs in some respects from the specific terminology and language that was selected for use in Applicants' claims. Applicants believe that the scope and interpretation of the claims should be determined by the terminology and language of the claims themselves, rather than by language selected by the Examiner for the purpose of paraphrasing the subject matter of the claims.

Respectfully submitted,
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Date: July 3, 2003

Enclosures: Acknowledgment Post Card